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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,660

09/07/2006

Jukka Gustafsson

AWEK 3511

8612

7812

7590

05/24/2011

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EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT

PAPER NUMBER

3728

MAIL DATE

DELIVERY MODE

05/24/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,660	<b>Applicant(s)</b> GUSTAFSSON ET AL.	
	<b>Examiner</b> NIKI ELOSHWAY	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 27-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 9, 2011 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27-34, 37-43 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulati (U.S. 2001/0040160) in view of Bampton (U.S. 5,697,511) and McLaughlin (U.S. 3,941,272). Gulati teaches a method of manufacturing a tank suitable for storing very cold cryogenic liquids, such as liquefied ethylene (LEG) or natural gas (LNG) or a corresponding medium (see paragraph [0004]). The basic form of the tank corresponding to a rectangular prism (shown in figure 2, see paragraph [0015]) and being manufactured from aluminum or the like material (see paragraph [0037]). The tank is produced at least mainly from prefabricated structure elements of few different types so that plane elements meant as shell elements, shown at 17, are produced and include a plane part (the exterior) and a stiffening part (27 and 28 on the interior surface). The stiffening part extends essentially perpendicular to the plane part in to the cavity of the tank, and terminates at a free distal end. The profile elements are welded to each other

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(see paragraph [0042]). The self-supporting volume units are shown in figures 1c and 1d and have at least four sides. The stiffeners extending only partly through the internal space of the volume units between the opposite sides thereof. The variable length is discussed in paragraph [0036]. Regarding the limitation that “the plane parts of the first profile elements being substantially coplanar”, Gulati teaches that multiple coplanar plane parts may be attached to form a panel. See elements 86 in figure 5A and paragraph [0041] for the teaching of plane parts, such as elements 86, being substantially coplanar and forming first profile elements.

Gulati discloses the claimed invention except for the welding being friction welding and the aluminum elements being mechanically extruded. Bampton teaches that it is known to provide a sectional container wherein the sections are joined by friction welding (see the Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Gulati with the welds being formed by friction welding, as taught by Bampton, in order to use a well known welding technique to form a secure weld between the sections.

McLaughlin teaches that it is known to mechanically extrude aluminum elements (see col. 6 lines 3-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified method of Gulati with the aluminum elements being mechanically extruded, as taught by McLaughlin, in order to form the elements using a well known technique.

4. Claims 35, 36 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulati (U.S. 2001/0040160) in view of Bampton (U.S. 5,697,511) and McLaughlin (U.S. 3,941,272), as applied to claims 14 and 22 above, and further in view of Slota (U.S. 2,947,440). Gulati discloses the claimed invention except for the splash bulkhead. Slota teaches that it is known to provide a sectional container with a splash bulkhead (see element 33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Gulati with the splash bulkhead, as taught by Slota, in order to prevent a surge of liquid in the container.

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Regarding claim 36, the modified method of Gulati discloses the claimed invention except for the dimension of the volume unit and bulkhead being about 16x16 meters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified method of Gulati with the volume unit and bulkhead being about 16x16 meters, in order to give the container a standard shape and since a change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

### ***Response to Arguments***

5. Applicant's arguments filed February 9, 2011 have been fully considered but they are not persuasive. It is the Examiner's position that the modified invention of Gulati teaches the newly added limitation regarding the plane parts being coplanar. The interpretation of Gulati, with respect to the newly added limitation, has been explained in the rejections above.

### ***Conclusion***

6. **THIS ACTION IS MADE NON-FINAL.**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKI ELOSHWAY whose telephone number is (571)272-4538. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Niki M. Eloshway/  
Niki M. Eloshway  
Examiner  
Art Unit 3728

nme